

# EXHIBIT

## “R”

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10-cv-6005 (RWS)

Plaintiff,

-against-

CITY OF NEW YORK, et al

Defendants.

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**DECLARATION OF MICHAEL L. SPIEGEL PURSUANT TO 28  
U.S.C. § 1746 UNDER THE PENALTY OF PERJURY**

1. As an attorney who is admitted to practice law in this State and before this Court, I am submitting this declaration in support of the plaintiff's application for attorney's fees in the above-referenced action.

2. My educational background and legal experience is briefly set forth below.

3. I am a solo practitioner with offices at 11 Park Place, New York, New York 10007.

4. I am a member of the New York and California state bars; I am also a member of the bar of the United States District Courts for the Southern and Eastern Districts of New York, and the Northern and Eastern Districts of California, the United States Courts of Appeals for the Second and

Ninth Circuits, and the United States Supreme Court.

5. I attended Harvard College and City University of New York, and received my Juris Doctor degree from New York University School of Law. I was a Root Tilden Scholar at New York University School of Law, and I clerked for the Honorable Whitman Knapp during law school.

6. Since 1995 I have maintained a solo practice in New York City, focusing on police misconduct, first amendment, and death penalty constitutional litigation.

7. Since 2000, the overwhelming majority of my cases have involved constitutional claims of false arrest, malicious prosecution and/or excessive force by police officers. I have litigated approximately 250 civil rights cases in the Southern District of New York.

8. As a result of my experience and reputation, I am regularly consulted by practitioners in New York and other states for advice on how to handle police misconduct Section 1983 cases.

9. I have lectured at many Continuing Legal Education programs on Section 1983 law and litigation.

10. I am personally familiar with the hourly rates charged by my colleagues who primarily litigate civil rights claims. For experienced practitioners with 25 or more years of experience, their rates range from \$500 to \$675 per hour, with most clustering around \$625 to \$650 per hour.

11. I am personally acquainted with Nathaniel B. Smith as an attorney with whom I have worked in the past. For about five years, Mr. Smith and I worked out of the same law office suite at 111 Broadway, New York, New York, and we regularly shared insights and thoughts about our respective matters over that five-year period.

12. I am also more formally familiar with Mr. Smith's work as an employment and civil rights lawyer, having worked with him on a First Amendment retaliation case brought under Section 1983 by a former Fire Marshal against the City of New York. In my opinion, Mr. Smith's request for fees at the rate of \$575 an hour is a fair and reasonable rate in the City of New York for an individual with his level of knowledge and experience in the area employment and civil rights.

13. I declare that the foregoing is true and correct.

Dated: November 17, 2015

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Michael L. Spiegel